

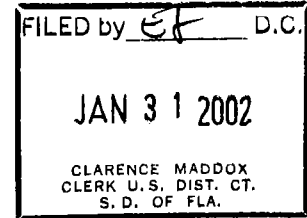
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6273-CR-HUCK

UNITED STATES OF AMERICA,

v.

ANTHONY TRENTACOSTA  
FREDERICK MASSARO  
ARIEL HERNANDEZ,



**ORDER DENYING DEFENDANTS' MOTIONS  
FOR ACQUITTAL AND MOTIONS FOR A NEW TRIAL**

THIS CAUSE is before the Court on Defendants, Anthony Trentecosta, Frederick Massaro, and Ariel Hernandez' motions for judgment of acquittal and Defendant Massaro and Hernandez's motions for new trial. The Court has considered the motions and the parties' memoranda of law in support of their motions in making the following determinations.

**MOTION FOR JUDGMENT OF ACQUITTAL**

The Defendants' motions for judgment of acquittal, notwithstanding the guilty verdict rendered against them, is governed by Federal Rules of Criminal Procedure 29 (c).

Trentecosta contends that he is entitled to a verdict of acquittal because the proof against him failed to establish that he agreed to join in the racketeering activity charged in the Indictment. Trentecosta has previously asserted this same contention, both pre-trial and during the trial. The Court ruled then, and again rules now, that there was sufficient evidence, taken in the light most favorable to the government and drawing all reasonable

476  
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inferences in favor of the jury's guilty verdict, to support the jury's guilty verdict against Defendant Trentecosta.

Defendant Massaro's Motion for Judgment of Acquittal, in which Defendant Hernandez joins, contends that there was insufficient evidence to support the jury's guilty verdict against these Defendants for conspiring to commit and for committing the murder of Jeanette Smith in aid and furtherance of their racketeering scheme as charged in Counts 17 and 18 of the Indictment. Similarly, Defendant Massaro contends that there was insufficient evidence to support the jury's guilty verdict against him for conspiring to murder Hernandez. Again, based on the Rule 29 (c) standard, the Court finds that the evidence relating to Counts 17 and 18, as to Defendants Massaro and Hernandez, and relating to Count 20, as to Defendant Massaro, is sufficient to support the jury's guilty verdicts.

The Defendants Trentecosta, Massaro and Hernandezs' motions for judgment of acquittal are DENIED.

#### **MOTION FOR NEW TRIAL**

In their motions for a new trial, Defendants Massaro and Hernandez, in addition to contending that their guilty verdicts are contrary to the law and the evidence, essentially reargue objections and motions made during the trial. The Court finds that there is no reason to change any of its rulings on the matters previously raised by Defendants, argued by the parties, and carefully considered by the Court at trial. Those rulings are reaffirmed here. Moreover, Defendants have not shown that the manifest ends of justice require a new trial.

The Defendants Massaro and Hernandez motions for new trial are DENIED.

DONE AND ORDERED at Miami, Florida this 3<sup>rd</sup> day of January 2002.



Paul C. Huck  
United States District Judge

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